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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,927

06/26/2003

Toshiaki Mizuno

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23373

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01/25/2006

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EXAMINER

ELEY, TIMOTHY V

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,927	Applicant(s) MIZUNO ET AL.	
	Examiner Timothy V. Eley	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,8,11 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 15 is/are allowed.
- 6) ☒ Claim(s) 11,16,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claim 11 has been rejoined with the elected invention since it depends from generic claim 5, which contains allowable subject matter.

Specification

2. The disclosure is objected to because of the following informalities:

- The disclosure is objected to because "an air . . . air" (page 3, lines 9-11) is awkwardly. Apparently, --the-- should be inserted before "lens" (page 3, line 10).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- "the draining device" (claim 11, lines 1 and 2) lacks proper antecedent basis since it was not properly earlier referred to.
- Is the "lens holding part" (claim 11, line 3) the same as the one previously recited in claim 11, or a different one?

Claim Rejections - 35 USC § 103

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 16,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata(6,159,072) in view of Gottschald et al(6,749,377).

- Shibata discloses a lens processing system comprising a lens processing device which processes a lens (Shibata is silent as to whether or not processing water is sprayed on the lens while it is being processed. However, the use of processing water for cooling the lens is considered to be inherent due to the creation of heat between the lens and a processing tool.); and a lens conveying device(300) which conveys the lens from the lens processing device.
- Shibata does not disclose a blowing unit that blows air on the lens after it is processed by the lens processing device and before it is conveyed by the lens conveying device.
- Gottschald et al discloses a lens processing device which sprays processing water on a lens while the lens is being processed; and a blowing unit that blows air on the lens. See column 4, lines 63-end, and column 7, lines 62-end.
- In the event that it may be considered that Shibata does not inherently teach spraying processing water on the lens while it is being processed, it would have been obvious to one having ordinary skill in the art at the time the invention was made in

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view of the teachings of Gottschald et al to have sprayed processing water on the lens while it is processed in the Shibata apparatus and thereafter providing a blowing unit that blows air on the lens after it is processed by the lens processing device in order to adequately remove processing water from the lens as taught by Gottschald et al.

- Regarding claims 19 and 20, Shibata discloses lens processing member 200, and lens holding part 1 which is a cup that holds the lens while it is being processed. See figure 4, and column 3, lines 54-end to column 4, lines 1-5.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata(6,159,072) in view of Gottschald et al(6,749,377), as applied to claim 16 above, and further in view of Yun et al(5,545,076).

- Shibata, as modified, is explained above.
- Shibata, as modified, does not disclose the lens conveying device comprising a suction unit which holds the lens by suction.

However, Shibata discloses a lens conveying device(300) which uses a chuck to grip a lens for conveying by using two gripping members 321a and 321b. See figure 6 specifically.

- Yun et al discloses that it is well known in the art to grip and support a workpiece by using a vacuum chuck(2) which grips and supports a workpiece. See figures 1A and 1B, and column 3, lines 43-48.

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- Therefore, it would have been obvious to one having ordinary skill in the art to have further modified the Shibata apparatus by replacing the chuck of the lens conveying device with a vacuum chuck as taught by Yun et al, in order to eliminate the need to provide a separate securing cup for attachment to each lens to be held. Also, exactly when the air blowing unit blows air on the lens is intended use that can be met by the Shibata apparatus as modified.

Allowable Subject Matter

8. Claims 18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 5 and 15 are allowed.

10. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

11. Applicant's arguments with respect to claims 16,17,19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

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FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

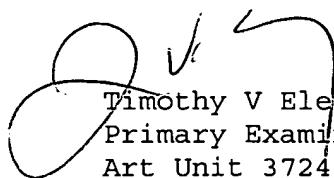
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

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